

House File 698 - Introduced

HOUSE FILE 698
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 234)

A BILL FOR

1 An Act relating to the jurisdiction and management of pioneer
2 cemeteries.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.325, subsections 1 and 3, Code 2019,
2 are amended to read as follows:

3 1. As used in [this section](#), "*pioneer cemetery*" means a
4 cemetery where there have been twelve or fewer burials in the
5 preceding fifty years except as provided in subsection 3.

6 3. a. In lieu of management of the cemeteries, the
7 board of supervisors may create, by ordinance, a cemetery
8 commission to assume jurisdiction and management of the pioneer
9 cemeteries in the county. The ordinance shall delineate the
10 number of commissioners, the appointing authority, the term of
11 office, officers, employees, organizational matters, rules of
12 procedure, compensation and expenses, and other matters deemed
13 pertinent by the board. The board may delegate any power and
14 duties relating to cemeteries ~~which~~ that may otherwise be
15 exercised by township trustees pursuant to sections 359.28
16 through 359.40 to the cemetery commission except the commission
17 shall not certify a tax levy pursuant to [section 359.30](#) or
18 359.33 and except that the expenses of the cemetery commission
19 shall be paid from the county general fund.

20 b. The cemetery commission, once created, may continue to
21 assume jurisdiction and management of a cemetery that would
22 no longer qualify as a pioneer cemetery due to recent burials
23 if the cemetery qualified as a pioneer cemetery upon or after
24 creation of the cemetery commission. The choice to continue
25 retaining jurisdiction and control of a cemetery that no longer
26 qualifies as a pioneer cemetery shall be in the sole discretion
27 of the cemetery commission.

28 c. The board and the cemetery commission, if created
29 pursuant to paragraph "a", may, by a majority vote of both the
30 board and the commission, respectively, amend the definition of
31 "pioneer cemetery" in the county to mean a cemetery where there
32 have been twenty-four or fewer burials in the preceding fifty
33 years.

34 Sec. 2. Section 523I.102, subsection 39, Code 2019, is
35 amended to read as follows:

1 39. "*Pioneer cemetery*" means a cemetery where there were
2 twelve or fewer burials in the preceding fifty years except as
3 provided in section 331.325.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

7 Under current law, a pioneer cemetery is a cemetery where
8 there have been 12 or fewer burials in the preceding 50 years.
9 A county board of supervisors has the authority to create, by
10 ordinance, a cemetery commission that shall assume jurisdiction
11 and control of the pioneer cemeteries in the county.

12 This bill allows a cemetery commission to retain
13 jurisdiction and control of a cemetery that was a pioneer
14 cemetery upon or after creation of the cemetery commission,
15 but is no longer considered a pioneer cemetery due to recent
16 burials. The decision to continue retaining jurisdiction and
17 control belongs solely to the cemetery commission. The bill
18 also allows a board and a cemetery commission, if created,
19 by a majority vote of both the board and the commission,
20 respectively, to amend the definition of "pioneer cemetery" in
21 the county to mean a cemetery where there have been 24 or fewer
22 burials in the preceding 50 years.